

## **ARTICLE 2. APPLICATION OF STANDARDS AND INSPECTIONS**

### **Section 1310. Applicability of Standards.**

All standards and requirements contained herein shall apply to any county, city, city and county, or joint juvenile facility that is used for the confinement of minors whether publicly or privately operated except as specifically noted. Unless otherwise specified in statute or these regulations, juveniles lawfully held in Local Adult Detention Facilities shall be subject to the regulations and statutes governing those facilities.

**(a) Juvenile halls shall comply with all regulations except the following:**

- 1520-1527 Minors in Jails**
- 1540-1550 Minors in Temporary Custody in a Law Enforcement Facility**
- 1560-1567 Minors in Court Holding Facilities**

**(b) Special purpose juvenile halls shall comply with all regulations except the following:**

- 1370 School Program**
- 1415 Health Education**
- 1464 Food Services Manager**
- 1481 Special Clothing**
- 1488 Hair Care Services**
- 1520-1527 Minors in Jails**
- 1540-1550 Minors in Temporary Custody in a Law Enforcement Facility**
- 1560-1567 Minors in Court Holding Facilities**

**(c) Juvenile homes, camps, ranches, forestry camps and boot camps shall comply with all regulations except:**

- 1352 Classification**
- 1359 Safety Room Procedures**
- 1520-1527 Minors in Jails**
- 1540-1550 Minors in Temporary Custody in a Law Enforcement Facility**
- 1560-1567 Minors in Court Holding Facilities**

**(d) Jails shall comply with regulations found in Article 13, Sections 1520 - 1527 and the following regulations:**

- 1314 Appeal**
- 1341 Death and Serious Illness or Injury of a Minor While Detained**
- 1402 Scope of Health Care**
- 1407 Confidentiality**
- 1415 Health Education**
- 1416 Reproductive Services**
- 1432(c) Health Appraisals/Medical Examinations**
- 1436 Prostheses and Orthopedic Devices**
- 1439 Psychotropic Medications**

(e) Lockups shall comply with regulations found in Article 14, Sections 1540 - 1550 and the following regulations:

- 1314 Appeal
- 1341 Death and Serious Illness or Injury of a Minor While Detained
- 1431(c) Intoxicated and Substance Abusing Minors

(f) Court holding facilities shall comply with regulations found in Article 15, Sections 1560-1567 and the following regulations:

- 1314 Appeal
- 1341 Death and Serious Illness or Injury of a Minor While Detained
- 1377(a; b) Access to Legal Services

**Guideline:** Types of facilities are addressed in **Section 1302, Definitions:** juvenile hall, special purpose juvenile hall, camp, jail, lockup or court holding facility. Some regulations do not apply to all facilities and only a portion of a regulation may apply in some instances. The function and operation of a facility determine the applicability of the standard. The following applicability chart corresponds with this regulation; however, a facility must meet the standards for whatever functions it performs.

**Title 15 Juvenile Regulation Applicability Chart**

Section	Regulation	Hall	SPJH	Camp	Jail	Lock-up	CH
<b>Article 1. General Instructions</b>							
1300	Severability	X	X	X			
1301	Other Standard and Requirements	X	X	X			
1302	Definitions	X	X	X			
1303	Pilot Projects	X	X	X			
1304	Alternate Means of Compliance	X	X	X			
<b>Article 2. Application of Standards and Inspections</b>							
1310	Applicability of Standards	X	X	X			
1311	Emergency Suspension of Standards or Requirements	X	X	X			
1312	Juvenile Criminal History Information	X	X	X			
1313	County Insp. & Eval. of Building & Grounds	X	X	X			
1314	Appeal	X	X	X	X	X	X
<b>Article 3. Training, Personnel, and Management</b>							
1320	Appointment and Qualifications	X	X	X			
1321	Staffing	X	X	X			
1322	Child Supervision Staff Training	X	X	X			
1323	Fire and Life Safety	X	X	X			
1324	Policy and Procedure Manual	X	X	X			
1325	Fire Safety Plan	X	X	X			
1326	Security Review	X	X	X			
1328	Room Checks	X	X	X			
<b>Article 4. Records and Public Information</b>							
1340	Reporting of Legal Actions	X	X	X			
1341	Death & Serious Illness or Injury of a Minor While Detained	X	X	X	X	X	X
1342	Population Accounting	X	X	X			
1343	Juvenile Facility Capacity	X	X	X			

Section	Regulation	Hall	SPJH	Camp	Jail	Lock-up	CH
<b>Article 5. Classification and Segregation</b>							
1350	Admittance Procedures	X	X	X			
1351	Release Procedures	X	X	X			
1352	Classification	X	X				
1353	Orientation	X	X	X			
1354	Segregation	X	X	X			
1355	Assessment and Plan	X	X	X			
1356	Counseling and Casework Services	X	X	X			
1357	Use of Force	X	X	X			
1358	Use of Physical Restraints	X	X	X			
1359	Safety Room Procedures	X	X				
1360	Searches	X	X	X			
1361	Grievance Procedure	X	X	X			
1362	Reporting of Incidents	X	X	X			
<b>Article 6. Programs and Activities</b>							
1370	Education Program	X		X			
1371	Recreation and Exercise	X	X	X			
1372	Religious Program	X	X	X			
1373	Work Program	X	X	X			
1374	Visiting	X	X	X			
1375	Correspondence	X	X	X			
1376	Telephone Access	X	X	X			
1377	Access to Legal Services	X	X	X			X
<b>Article 7. Discipline</b>							
1390	Discipline	X	X	X			
1391	Discipline Process	X	X	X			
<b>Article 8. Health Services</b>							
1400	Resp. for Health Care Services	X	X	X			
1401	Patient Treatment Decisions	X	X	X			
1402	Scope of Health Care	X	X	X	X		
1403	Health Care Monitoring and Audits	X	X	X			
1404	Health Care Staff Qualifications	X	X	X			
1405	Health Care Staff Procedures	X	X	X			
1406	Health Care Records	X	X	X			
1407	Confidentiality	X	X	X	X		
1408	Trans. Health Care Summary & Records	X	X	X			
1409	Health Care Procedures Manual	X	X	X			
1410	Magmt. of Communicable Diseases	X	X	X			
1411	Access to Treatment	X	X	X			
1412	First Aid and Emergency Response	X	X	X			
1413	Individualized Treatment Plans	X	X	X			
1414	Health Clearance for In-Custody Work and Program Assignments	X	X	X			
1415	Health Education	X		X	X		
1416	Reproductive Services	X	X	X	X		
1430	Intake Health Screening	X	X	X			
1431	Intoxicated & Substance Abusing Minors	X	X	X		X	
1432	Health Appraisals/Medical Examinations	X	X	X	X		
1433	Requests for Health Care Services	X	X	X			
1434	Consent for Health Care	X	X	X			
1435	Dental Care	X	X	X			

Section	Regulation	Hall	SPJH	Camp	Jail	Lock-up	CH
1436	Prostheses and Orthopedic Devices	X	X	X	X		
1437	MH Services & Trans. to a Treatment Facility	X	X	X			
1438	Pharmaceutical Management	X	X	X			
1439	Psychotropic Medications	X	X	X	X		
1450	Suicide Prevention Program	X	X	X			
1452	Collection of Forensic Evidence	X	X	X			
1453	Sexual Assaults	X	X	X			
1454	Participation in Research	X	X	X			
<b>Article 9. Food</b>							
1460	Frequency of Serving	X	X	X			
1461	Minimum Diet	X	X	X			
1462	Therapeutic Diets	X	X	X			
1463	Menus	X	X	X			
1464	Food Manager	X		X			
1465	Food Handlers Education and Monitoring	X	X	X			
1466	Kitchen Facilities, Sanitation & Food Storage	X	X	X			
1467	Food Serving	X	X	X			
<b>Article 10. Clothing and Personal Hygiene</b>							
1480	Standard Facility Clothing Issue	X	X	X			
1481	Special Clothing	X		X			
1482	Clothing Exchange	X	X	X			
1483	Clothing Bedding and Linen Supply	X	X	X			
1484	Control of Vermin in Minors Pers. Clothing	X	X	X			
1485	Issue of Personal Care Items	X	X	X			
1486	Personal Hygiene	X	X	X			
1487	Shaving	X	X	X			
1488	Hair Care Services	X		X			
<b>Article 11. Bedding and Linens</b>							
1500	Standard Bedding and Linen Issue	X	X	X			
1501	Bedding and Linen Exchange	X	X	X			
1502	Mattresses	X	X	X			
<b>Article 12. Facility Sanitation and Safety</b>							
1510	Facility, Sanitation, and Maintenance	X	X	X			
1511	Smoke Free Environment	X	X	X			
<b>Article 13. Minors in Jail</b>							
1520	Purpose				X		
1521	Restrictions on Contact With Adult Prisoners				X		
1522	Classification				X		
1523	Release Procedures				X		
1524	Supervision of Minors				X		
1525	Recreation Programs				X		
1526	Visiting				X		
1527	Disciplinary Procedures				X		
<b>Article 14. Minors In Temporary Custody In A Law Enforcement Facility</b>							
1540	Purpose					X	
1541	Minors Arrested for Law Violations					X	
1542	Written Policies and Procedures					X	
1543	Care of Minors in Temporary Custody					X	
1544	Contact Between Minors and Adult Prisoners					X	
1545	Decision on Secure Detention					X	
1546	Conditions of Secure Dtn. & Non-Secure Custody					X	

Section	Regulation	Hall	SPJH	Camp	Jail	Lock-up	CH
1547	Sup. Of Minors Held Inside a Locked Enclosure					X	
1548	Supervision of Minors in Secure Detention Outside of a Locked Enclosure					X	
1549	Criteria for Non-secure Custody					X	
1550	Supervision of Minors in Non-secure Custody					X	
<b>Article 15. Minors In Court Holding Facilities</b>							
1560	Purpose						X
1561	Conditions of Detention						X
1562	Training						X
1563	Supervision of Minors						X
1564	Classification						X
1565	Incident Report						X
1567	Suicide Prevention Program						X

### **Section 1311. Emergency Suspension of Standards or Requirements.**

**Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local juvenile facility, jail, lockup, minor, staff, or the public. Only such regulations directly affected by the emergency may be suspended. The facility administrator shall notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall a suspension continue more than 15 days without the approval of the chairperson of the Board of Corrections for a time specified by him/her.**

**Guideline:** An emergency is a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest or natural disasters, which requires immediate action to avert death or injury and to maintain security (**Section 1302, Definitions**). While regulations focus on the safe and secure detention of minors, there are circumstances when a facility administrator must vary from established standards in response to emergency situations. Emergencies can be caused by minors (e.g., a major behavior incident or contagious disease outbreak), by a natural disaster (e.g., fire, earthquake, etc.), or can be based on an immediate need to correct or repair a major facility system (e.g., locking mechanisms, kitchen facilities, etc.). A facility administrator has the ability to address these issues within the parameters of this regulation.

In emergency situations, the administrator may suspend compliance with effected regulations for up to three days. If the emergency continues beyond three days, the administrator must notify the Board of Corrections. As a practical matter, this notification should occur as soon as possible, typically by telephone, with written follow-up as needed. If it appears that the emergency will require suspension of regulations for more than 15 days, the facility administrator, working with Board staff, must obtain the approval of the Board of Corrections' chairperson.

This regulation is not intended to accommodate a fiscal shortfall. Chronic crowding and inadequate funding to maintain levels of operation required by minimum standards are not reasons to legitimately suspend a regulation under the authorization of this section.

**Section 1312. Juvenile Criminal History Information.**

**Such juvenile criminal history information as is necessary for the conduct of facility inspections as specified in Section 209 of the Welfare and Institutions Code shall be made available to the staff of the Board of Corrections. Such information shall be held confidential except that published reports may contain such information in a form which does not identify an individual.**

**Guideline:** Certain individual criminal history information must be kept confidential and may be released only as provided by law. This regulation authorizes the release of such information to the Board of Corrections for studies and surveys that the Board is statutorily or otherwise directed to conduct. The Board is required to maintain this information in a confidential manner.

**Section 1313. County Inspection and Evaluation of Building and Grounds.**

**On an annual basis, each juvenile facility administrator shall obtain a documented inspection and evaluation from the following:**

- (a) county building inspector or person designated by the Board of Supervisors to approve building safety;**
- (b) fire authority having jurisdiction, including a fire clearance as required by Health and Safety Code Section 13146.1 (a) and (b);**
- (c) health administrator, inspection in accordance with Health and Safety Code Section 101045;**
- (d) county superintendent of schools on the adequacy of educational services and facilities as required in Section 1370;**
- (e) juvenile court as required by Section 209 of the Welfare and Institutions Code; and,**
- (f) the Juvenile Justice Commission as required by Section 229 of the Welfare and Institutions Code.**

**Guideline:** In some instances, this regulation reiterates statutory requirements for annual inspections (i.e., fire, health, court and Juvenile Justice Commission inspections). It establishes requirements for other annual inspections not specifically required by statute (i.e., building safety and evaluation by the superintendent of schools). The facility administrator is required to retain copies of the identified inspections. Information contained in the reports alerts the facility

administrator to possible problem areas within the facility, and will be requested by the Board during their inspections.

A suggested format for the Juvenile Justice and Delinquency Prevention inspection was developed by a statewide work group of their representatives and is available from the Board. Guidelines for **Section 1370, Education Program** include recommendations from the regulation revision workgroup for consideration in the superintendent's assessment of the school program.

#### **Section 1314. Appeal.**

**The appeal hearing procedures are intended to provide a review concerning the Board of Corrections application and enforcement of standards and regulations governing juvenile facilities, jails, lockups and court holding. A county, city, city and county, or joint juvenile facility may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.**

##### **(a) Levels of Appeal.**

- (1) There are two levels of appeal as follows:**
  - (A) appeal to the Executive Director; and,**
  - (B) appeal to the Board of Corrections.**
- (2) An appeal shall first be filed with the Executive Director.**

##### **(b) Appeal to the Executive Director.**

- (1) If a county, city, city and county, or joint juvenile facility is dissatisfied with an action of the Board of Corrections staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.**
- (2) The appeal shall be in writing and:**
  - (A) state the basis for the dissatisfaction;**
  - (B) state the action being requested of the Executive Director; and,**
  - (C) attach any correspondence or other documentation related to the cause for dissatisfaction.**

##### **(c) Executive Director Appeal Procedures.**

- (1) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.**
- (2) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.**
- (3) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.**

**(d) Executive Director's Decision.**

The decision of the Executive Director shall be in writing and shall provide the rationale for the decision.

**(e) Request for Appeal Hearing by Board.**

- (1) If a county, city, city and county, or joint juvenile facility is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the Board of Corrections. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
- (2) The request shall be in writing and:
  - (A) state the basis for the dissatisfaction;
  - (B) state the action being requested of the Board; and,
  - (C) attach any correspondence related to the appeal from the Executive Director.

**(f) Board Hearing Procedures.**

- (1) The hearing shall be conducted by a hearing panel designated by the Chairman of the Board at a reasonable time, date, and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (2) The procedural time requirements may be waived with mutual consent of the parties involved.
- (3) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (4) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (5) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.
- (6) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board of Corrections at its next regular public meeting.

**(g) Board of Corrections' Decision.**

- (1) The Board of Corrections, after receiving the proposed decision, may:
  - (A) adopt the proposed decision;
  - (B) decide the matter on the record with or without taking additional evidence; or,



- (C) order a further hearing to be conducted if additional information is needed to decide the issue.
- (2) the Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
- (3) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
- (4) The decision of the Board of Corrections shall be final.

**Guideline:** In most cases, differences of opinion concerning the application of regulations are resolved informally between the jurisdiction, Board of Corrections inspector, and, if necessary, the inspector's immediate supervisor. When it is not possible to resolve such differences informally, this section establishes a process by which concerns can be reviewed by the Executive Director, culminating in a hearing before the appointed Board of Corrections.